IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 30358 of 2007(L)

PETITIONER:

K.V.MUHAMMED HILAL @ BAPUTTY HAJI,
S/O. KOYAKUTTY, AGED 72 YEARS, PRESIDENT,
ANAKKAYAM PULLIYIL JUMA ATH MOSQUE WAKF COMMITTEE,
ANAKKAYAM, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS:

1. THE ANAKKAYAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, ANAKKAYAM,
MALAPPURAM DISTRICT.

2. THE DISTRICT COLLECTOR,
MALAPPURAM.

3. THE TAHSILDAR,
ERNAD TALUK, MANJERI, MALAPPURAM DISTRICT.

4. THE SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION, MALAPPURAM DISTRICT.

R2 TO R4 BY ADV. SRI.K.J.MOHAMMED ANZAR, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 30358 OF 2007

Dated this the 15th day of October, 2007

JUDGMENT

I do not propose to go into the merits of the matter. The petitioner is the President of the Anakkayam Pulliyil Juma Ath Mosque Wakf Committee. According to the petitioner the Wakf Committee has been in possession of a total extent of 9.51 acres of land and has been paying tax as evidenced by Exts.P1(a) to P1(d). According to him when the Wakf Committee took a decision to plant the property with rubber so that some income will be generated for utilisation of charitable activities of the Wakf, there was opposition from the Revenue Authorities, who took the stand that a portion of the properties is puramboke. One of the prayers in this Writ Petition is that a measurement be conducted on the basis of the records maintained by the 1st respondent Panchayat so that puramboke, if any, can be identified.

Ext.P2 representation is seen pending before the District Collector. The District Collector will take up Ext.P2, consider the same in the light of the various averments in the Writ Petition. The 1st respondent on the basis of the records maintained by them regarding the purambokes within the area of the Panchayat, will submit a report to the District Collector. The District Collector on the basis of that report

will also facilitate a measurement for identification of puramboke, if any, and then take final decision on Ext.P2. Before final decision is taken on Ext.P2, the petitioner will be heard and the final decision will be intimated to the petitioner. Till such time as final decision as directed above is taken on Ext.P2, as regards the property in question, the revenue authorities as well as the petitioner will maintain the status quo obtaining as on today.

PIUS C. KURIAKOSE, JUDGE

btt